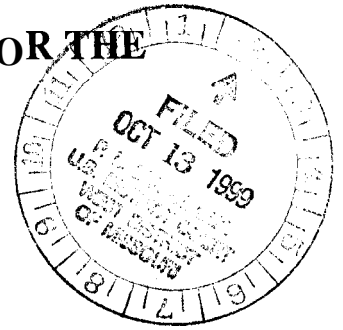


**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**



JONATHAN MANGAN, individually and)
on behalf of all other persons similarly situated,)

Plaintiff,)

vs.)

CHRISTIAN COUNTY, MISSOURI, et al.,)

Defendants.)

No. 99-3373-CV-S-RGC-ECF

ORDER

On October 6, 1999 plaintiff filed an individual action and on behalf of all other persons similarly situated against Christian County, Missouri and through its Board of County Commissioners, Roy Matthews, Tom Chudomelka, in their official capacities, and Steve Whitney, Sheriff of Christian County, in his official capacity about the jail conditions. Plaintiff also filed a motion for class certification under Rule 23(a) of the Federal Rules of Civil Procedure. Rule 23(a) provides:

(a) One or more members of a class may sue or be sued as representative parties on behalf of all only if (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class.

Rule 23(c)(2) provides in part:

(c) In any class action maintained under subdivision (b)(3), the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified

through reasonable effort. The notice shall advise each member that (A) the court will exclude the member from the class if the member so requests by a specified date; (B) the judgment, whether favorable or not, will include all members who do not request exclusion; and (C) any member who does not request exclusion may, if the member desires, enter an appearance through counsel.


Since the jail conditions are challenged, the class should be certified. It includes all members who are inmates or who have been inmates during the past three years in the Christian County, Missouri jail.

The plaintiff is to inform class members of Rule 23(c)(2). By a specified date, the date of December 23, 1999 should be used.

It is

ORDERED the motion to certify the class is granted and the class is certified as a 23(a) class; and it is further

ORDERED plaintiff is to inform all class members immediately of the existence of this class action suit,


RUSSELL G. CLARK, SENIOR JUDGE
UNITED STATES DISTRICT COURT

Date: OCT 13 1999